

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.992 OF 2005

Xavier Institute of

Engineering Society & anr. ..Petitioners.

Vs.

Municipal Corporation of

Brihan Mumbai (MCGB) & Ors. ..Respondents.

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Mr.R.M.Nakhawa with Mr.Vasant Dhawan i/b

M/s.C.R.Naidu & Co. for the Petitioners.

Mr.K.K.Singhavi with Mrs.A.R.Joshi for the BMC.

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CORAM : DR.D.Y.CHANDRACHUD, J.

5th May, 2005.

P.C. :

Counsel appearing on behalf of the Petitioners prays for leave to file an appeal under Section 217 of the Mumbai Municipal Corporation Act, 1888 in view of the objection which has been raised by the Municipal Corporation that all issues which have been raised in this Petition can be heard and disposed of in the statutory appeal by

the Chief Judge of the Small Causes Court. All the rights and contentions of the parties are kept open to be urged in the appeal.

The Petitioners will be at liberty to file an appeal within a period of four weeks from today. In order to enable the Petitioners to do so, the Respondents shall not take coercive steps for a period of six weeks from today.